

Remarks

The specification has been amended to correct a typographical error. Claim 3 has been canceled without prejudice to the filing of continuing applications. Claims 1 and 12 have been amended to more particularly point out the invention. Claims 4 and 16-17 have been amended such that they now depend from claims 1 and 12, respectively. No new matter is added with these amendments.

Applicants respectfully submit that the claims, including amended claims 1 and 12, are not rendered obvious by U.S. Patent No. 4,158,361 (the '361 patent). Specifically, the '361 patent does not teach or suggest a dispensing system that creates a jet or stream of droplets as required by the instant invention. Instead, the '361 patent discloses a dispensing system that directs fluid forced from a container to a defined area by means of "a structure for directing spray from the nozzle orifice to a well defined area, such as the eye" (see column 4, lines 55-56). This structure, i.e. shield **58**, is a necessary part of the disclosed apparatus, since the spray of aerosol liquid dispensed from the nozzle does not have its own momentum and requires guidance or direction (see, for example, column 2 lines 44-60). While this type of dispenser may be able to dispense a liquid into an area such as the eye, it can not target a *particular site* within the eye as can the jet or stream of droplets contemplated by the present invention.

Further, the claimed invention minimizes systemic absorption (and thus minimizes side effects) by using smaller instilled volumes of eye drops than are normally delivered by most commercial ophthalmic droppers (see the specification at page 1, line 24 to page 2, line 27). Applicants also direct the Examiner's attention to Example 1, in which the results of this study show that the use of a droplet stream can enhance

bioavailability. Also, Example 2 shows that this jet or stream of droplets can produce an equivalent pharmacodynamic effect with only 1/6 of the amount of drug as used with a standard eye drop. Finally, Example 3 depicts the fact that the jet or stream of droplets approach assures targeting a specific area of the eye. For the above reasons, Applicants respectfully request the Examiner to withdraw the obviousness rejection in view of the '361 patent.

Allowance of the claims and passage of the case to issue are respectfully solicited. Should the Examiner believe that a discussion of this matter would be helpful, he is invited to telephone the undersigned at (312) 913-0001.

Respectfully submitted,

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